

### REMARKS/ARGUMENTS

Applicant respectfully requests reconsideration of the above-referenced application in light of the amendments above and remarks that follow.

Applicant again notes with appreciation that claim 11 is considered to be allowed in the Office Action. Claim 11 has been amended to more particularly define the invention without affecting the scope as relative to the prior art. Claim 11 has been amended to better define the invention in accordance with the specification that the condition update unit updates an item corresponding to a processing condition that is associated with a group of icons, as the target icons, which will change. Applicant submits that claim 11 is still allowable over the prior art.

The remaining claims 1, 2, 6-9, 13, 16, 17 and 20 stand rejected under the newly cited combination of Bates in view of Hirose and further in view of Keller. Claims 3-5, 12, 15 and 19 are rejected as being unpatentable over Bates in view of Hirose in view of Keller and further in view of Fitzpatrick. Claims 4, 10, 14 and 18 are rejected as being unpatentable over Bates in view of Hirose in view of Keller and further in view of Smith.

Turning to the specific rejections, claims 1, 2, 6-9, 13, 16, 17 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bates in view Hirose and further in view of Keller. The Office Action relies upon Bates to teach an information processing apparatus in which a detection unit detects a predetermined operation performed on a first icon, which has been dragged to a second icon and moved when positioned at the second icon. However, as conceded in the Office Action, Bates does not teach a condition of changing a processing condition of the information processing represented by the second icon. Hirose is cited as teaching changing a processing condition of the information processing represented by the second icon menu to be performed on the first icon based on the detection of the operation performed on the first icon. Furthermore, it is conceded in the Office Action that Bates does not teach a detection unit detecting said operation as a type of movement performed on the first icon. Keller is cited in the Office Action as teaching a detection unit detecting that the operation is a type of movement performed on the first icon.

Applicant submits that Keller does not overcome the deficiencies as discussed in detail in Applicant's July 10, 2003 Amendment. In summary, Bates teaches dragging a first icon to a second, third or other icon at the location of that other icon to control the function performed on the first icon. In other words, it is dropping of the first icon in a particular region that controls the change of function to be performed on the first icon. Selecting the region selects the function. The function within a region does not change as a result of movement of the first icon. Hirose does not detect motion at the second icon. Hirose merely detects the motion of the drag of the first icon. Any motion of the first icon, no matter where or how occurring, in Hirose, causes a change of the function at the second icon. The new reliance on Keller does not overcome these shortcomings.

As previously argued, neither Bates nor Hirose teach changing the processing condition of the information processing represented by the second icon to be performed on the first icon based upon detection of movement performed on the first icon as affirmatively claimed in the independent claims, such as claim 1. Keller is nothing more than a different application of Bates.

None of the second icons (target icons) change their function as a result of a movement at the first icons. Like Bates, in Keller, a first icon is brought to what is a continuum of second icons. Rather than being dropped directly on the icon when selecting the function as in Bates, in Keller the target icon can be activated when the first icon is within a predetermined region of the second icon. Rather than have a plurality of function icons as in Bates, with the first icon being dropped on the second, third or fourth icon for processing, in Keller a region along a single icon is selected for prioritizing performance of an operation on the first icon. This is in fact a continuum of separate icons. Nothing in the target icon changes to perform a different operation as a result of a type of change of movement of the first icon relative to the second icon as claimed in independent claim 1.

Keller does not teach detecting the change of movement performed on the first icon to change the processing condition of the information processing to be performed by the second icon as

claimed in claim 1. In other words, in Keller an icon 260 is dragged to a priority controller icon 262 or 263 as shown in Fig. 2. If the icon 260 representing a process is touching or close to the process controller icon 262, then the priority of the process is changed. In other words, if the selected icon is within the region of a target icon, that target icon operates on the first icon by assigning a priority. See column 4, lines 26-45. The sections of Keller relied upon by the Examiner further emphasize that Keller is nothing more than Bates, however, the groups of icons in Bates are not distinct operational icons, but are rather priority icons. They are designed as distinct regions with their own coordinates, i.e. a plurality of icons. See Fig. 5 and column 6.

Even given the Examiner's inference that the type of movement of icon 260 is that it is moved along the priority controller icon 262, all that is happening is that each distinct region in Keller is sensing the proximity of the first icon to that region and does not operate on the first icon until the first icon is closer to that region of controller icon 262 than another region. Furthermore, the function of 262 does not change at all, as is clearly seen; it is always displaying a plurality of regions from low priority to high priority. Therefore, Applicant respectfully submits that claim 1, which clearly defines the operation as a type of change of movement performed on the first icon, is not taught by the combination cited in the Office Action and Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. §103(a).

Claims 2 and 6-9 depend from claim 1 and define the invention with greater particularity. Specifically, claim 2 defines the detection unit as detecting the movement in a predetermined direction. In none of the references, as discussed above, is a determination made to change the function performed by the second icon by movement at the second icon. Rather, in Bates there is no determination made at all with respect to the dropping, because the dropping is at a steady state icon, as in Keller. In Hirose there is no decision made at the second icon because the operation change of the function happens immediately upon initial movement of the first icon. While the Office Action considers Keller to teach that the detection unit detects a type of movement of the first icon relative to the second icon, this is an irrelevant teaching in Keller. The direction of movement in Keller, as in Bates, is irrelevant as long as the first icon arrives in the vicinity of a priority region, all of which are static, i.e. do not change based on any movement

or dropping. Even if one were to infer that the motion is along controller icon 262, icon 262 is static. The priority function of each region never changes. As in Bates, all that is really taught is that the first icon be deselected, i.e. dropped in the region of the function icon 262. Keller, like Bates, is drop-based, not drag-based or movement detection technology. In any event, there is no changing of the icon as a result of any movement.

Like claim 2, claim 6 depends from claim 1 and defines Applicant's invention with greater particularity. Claim 6 defines displaying the processing condition associated with the second icon in the vicinity of the second icon. Claim 7 depends from claim 1 and defines the processing execution unit for executing the processing based on the processing condition, which is either changed or unchanged, by the condition update unit. Claim 8 depends from claim 1 and defines the second icon as including a group of icons associated with the processing condition, while claim 9 depends from claim 8 and further defines that at least one of the first icon, second icon and group of icons is preliminarily associated with the processing condition. However, what is emphasized here is that because claim 8 is a group of icons, at least one of the icons in the group of icons will change in accordance with the performance of the structure of claim 1. There is no such change in Bates or Keller, nor is any change in Hirose related to movement at the second icon as discussed in greater detail above. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 2 and 6-9 under 35 U.S.C. §103(a).

Claim 13 defines a method of processing information which includes the steps of detecting a predetermined operation performed in a first icon which has been dragged to a second icon and changing a processing condition of the information processing to be performed on the first icon based on the detection of the operation performed on the first icon. As discussed above, the processing icons of Bates and Keller are static. The changing of the function in Hirose is a function of any movement of the first icon, not detection of a specific type of movement performed on the first icon. Accordingly, Applicant submits that claim 13 is allowable under 35 U.S.C. §103(a) and respectfully requests the withdrawal of the rejection of claim 13.

Claim 16 depends from claim 13 and also defines that the second icon includes a group of icons

associated with the processing condition, further defining a novel structure for changing the processing condition of the underlying second icon. Accordingly, Applicant submits that claim 16 is allowable as defining a patentable combination in its own right as well as depending from allowable claim 13. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 16 under 35 U.S.C. §103(a).

Claim 17 is a computer readable recording medium on which a program is recorded. Execution of the program includes an information processing method, which includes detecting a predetermined operation performed on a first icon, which has been dragged to a second icon. A processing condition of the information processing to be performed on the first icon is changed as a result of detection of the operation performed on the first icon. Again, the second icon is dynamic in the claimed invention and changes as a result of detection of a specific movement by the first icon. This is something not taught nor even suggested by Keller or Bates even in combination with Hirose. Accordingly, Applicant respectfully requests the withdrawal of claim 17 under 35 U.S.C. §103(a).

Claim 20 depends from claim 17, and like claims 8 and 15 defines Applicant's invention with greater particularity, specifically defining the second icon as including a group of icons associated with the processing condition. For the reasons discussed above in connection with claims 8 and 17, Applicant submits that claim 20 is allowable as defining a patentable combination in its own right as well as depending from allowable claim 17 and respectfully requests the withdrawal of the rejection under 35 U.S.C. §103(a).

Claims 3-5, 12, 15 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bates in view of Hirose in view of Keller and further in view of Fitzpatrick. Applicant respectfully traverses the rejection.

The Office Action concedes that Bates, Hirose or Keller, either taken separately or in combination, teach a detection unit which detects the stop of the first icon for a predetermined time in the vicinity of the second icon while the first icon is being dragged. To overcome this shortcoming, they rely upon Fitzpatrick to show a detection of an icon that is stopped in the

vicinity of another icon while the first icon is being dragged. However, Applicant submits that nothing in Fitzpatrick overcomes the shortcomings of Bates and Hirose discussed above.

Fitzpatrick does not teach changing a processing condition of the information processing to be performed on the first icon based upon the detection of a type of movement performed on the first icon, such as stopping, as in the dependent claims. Rather, Fitzpatrick teaches away from such operation by requiring a two-step approach in order to change the parameters (condition) of the information processing. Rather than change the processing condition in response to detection of the operation performed on the first icon, Fitzpatrick, after detection of the stopped icon, gives the operator the option of changing the parameters or maintaining the default parameters.

Column 4, lines 18-19 clearly teach that the default value to the drop operation can be overridden. If it is detected in Fitzpatrick that a dragged first icon has been in the vicinity of the second operating icon and then dropped, a dialog box 39 is displayed to provide a list of available parameters to allow the user to quickly edit the values of the desired parameters.

There is nothing in Fitzpatrick that teaches the claimed invention of claims 3, 5, 12, 15 and 19. The recent addition of Keller does not overcome the deficiency.

Specifically, claim 3 depends from claim 1 and defines one of the detected operations as stopping of the motion for a predetermined time. Claim 5 defines that the display changes the display form of the second icon in accordance with set processing conditions. Claim 12 and 15 define that with a group of icons, the display unit changes the display form of at least one of the icons in the group of icons according to the set processing condition. These features are not taught by any of Fitzpatrick, Bates, Keller or Hirose, either taken separately or in combination. Accordingly, Applicant submits that claims 3, 5, 12 and 15 are allowable as defining patentable combinations in their right as well as depending from allowable claims 1 and 13 and respectfully requests the withdrawal of the rejection under 35 U.S.C. §103(a).

Claim 19, depends from claim 17 and like claim 5 further defines the invention as changing the display form of the second icon according to a set processing condition upon detection of the type movement, namely stopping for a predetermined time, performed on the first icon. This is a

feature not taught by Fitzpatrick or any of the other relied upon references either taken separately or in combination. Accordingly, Applicant submits that claim 19 is allowable as defining a patentable combination in its own right as well as depending from allowable claim 17 and respectfully requests the withdrawal of the rejection under 35 U.S.C. §103(a).

Claims 4, 10, 14 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bates in view of Hirose and Keller and further in view of Smith. Applicant respectfully traverses the rejection.

The Office Action concedes that Bates, Keller and Hirose do not specifically teach the display unit displaying the second icon as a group of icons associated with the processing condition when the detection unit detects the predetermined operation. However, as discussed above, Keller specifically teaches what is a plurality of icons, if not the operational, structural and functional equivalent of a group of icons. As explicitly taught in Keller, each icon 262 is subdivided into a plurality of regions 284. See column 6, lines 1-10 and Fig. 2. Each region has a different associated function. This is further highlighted as shown in Fig. 5 in that each of regions 284 have specific coordinate positions. Furthermore, the function of each region remains static within icon 262. As icons 260 move relative to icon 262, the function becomes that of the closest region, or distinct icon. Dividing one icon 262 into a plurality of regions having distinct unchanging functionality is the same in function and structure as Bates' grouping of static icons to perform a function on the first icon.

Smith is relied upon to overcome the shortcomings of the references and is considered in the Office Action to have a display unit which displays the second icon as a group of icons associated with the processing condition when the detection unit detects the predetermined operation. Accordingly, Applicant submits that Smith does not overcome the shortcomings of Hirose and Bates. Smith teaches that one single icon can represent a plurality of icons representative of a variety of operations, not that the processing conditions themselves of each such operation be performed on a first icon is to be changed by detected movement of the first icon at the second icon. This is the same deficiency of Keller, Bates and Hirose.

Claims 4 and 10 depend from claim 1 and define Applicant's invention with greater particularity. Specifically, claim 4 defines that the display unit displays the second icon as a group of icons associated with the processing condition, which is to be changed. Claim 10 indirectly depends from claim 1 and defines a combination of a plurality of processing conditions being set for each icon of the group of icons; something not taught in Bates or Hirose as discussed above. Accordingly, Applicant submits that claims 4 and 10 are allowable not only as defining a patentable combination in their own right, but also as depending from allowable claim 1 and respectfully request the withdrawal of the rejection under 35 U.S.C. 103(a).

Claim 14 depends from claim 13 and defines Applicant's invention with greater particularity. Specifically, claim 14, like claim 4, teaches the further step in a method of displaying the second icon on the display as a group of icons associated with the processing condition when the type of movement is performed. As discussed above, Applicant submits that such a novel function is not taught by the prior art and Applicant respectfully submits that claim 14 is allowable as defining a patentable combination in its own right as well as depending from allowable claim 13. Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. §103(a).

Claim 18 depends from claim 17, and like claims 4 and 14 also defines that the information processing method includes the step of displaying the second icon on the display unit as a group of icons associated with the processing condition when the predetermined operation is detected. Applicant submits that claim 18 is also allowable as defining a patentable combination in its own right as well as depending from allowable claim 17 and respectfully requests the withdrawal of the rejection under 35 U.S.C. §103(a).

Applicant has made a diligent effort to place the application in condition for allowance and/or better condition for appeal. If the Examiner is unable to issue an immediate Notice of Allowance, he is respectfully requested to telephone the undersigned attorney with a view towards discussing the outstanding issues.



Applicant believes that no fees other than the one-month extension of time are due with this response. However, if it is determined that any additional fees are due, the Examiner is authorized to charge our Deposit Account No. 04-1105, under Order No. 49570 (70551) from which the undersigned is authorized to draw.

Dated: January 7, 2004

Respectfully submitted,

By 

Customer No. 21874

Howard M. Gitten  
Registration No. 32,138  
EDWARDS & ANGELL, LLP

(954) 667-6130 (direct tel)  
(954) 727-2600 (main tel)  
(954) 727-2601 (fax)